

Exhibit A

1 Douglas E. Mirell (State Bar No. 094169)
Lance N. Jurich (State Bar No. 132695)
2 Laura A. Wytmsa (State Bar No. 189527)
Benjamin R. King (State Bar No. 205447)
3 LOEB & LOEB LLP
10100 Santa Monica Boulevard, Suite 2200
4 Los Angeles, California 90067-4120
Telephone: (310) 282-2000
5 Facsimile: (310) 282-2200

6 Attorneys for Plaintiff
MARILYN MONROE, LLC
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES
10

11 MARILYN MONROE, LLC, a Delaware
12 limited liability company,

13 Plaintiff,

14 vs.

15 MILLINGTON CONROY, an individual;
and DOES 1 through 25, inclusive,

16 Defendants.
17
18
19
20
21
22
23
24
25
26
27
28

Case No. BC379732

~~[PROPOSED] ORDER APPOINTING
RECEIVER AND ORDER TO SHOW
CAUSE RE CONFIRMATION OF
RECEIVER~~ *APPOINTMENT*

~~[PROPOSED] TEMPORARY
RESTRAINING ORDER AND ORDER
TO SHOW CAUSE RE PRELIMINARY
INJUNCTION~~

DATE 11-16-07

TIME 9:30 a.m.

DEPT SLC

~~[PROPOSED ORDER]~~ *ce*

ORIGINAL FILED

OCT 25 2007

LOS ANGELES
SUPERIOR COURT

1 The *ex parte* application of Plaintiff Marilyn Monroe, LLC ("MMLLC") for
 2 Appointment of Receiver, Temporary Restraining Order and Order To Show Cause Why
 3 A Preliminary Injunction Should Not Issue having come on for hearing and having
 4 considered MMLLC's Complaint against Defendant Millington Conroy ("Conroy"), the
 5 Memorandum of Points and Authorities, the Declarations of Laura A. Wytsma, Mark
 6 Anderson, Lois W. Banner, Ph.D., David Strasberg and William E. Wegner and
 7 Nomination of Receiver submitted in support thereof and oral argument at the hearing
 8 thereon, and good cause appearing therefor, it appears to the satisfaction of the Court that
 9 this is a proper case for granting the following relief:

- star 10 (1) ^{OSC RE} ~~Appointment~~ of a Receiver;
 11 (2) Order to Show Cause Re Confirmation of Receiver;
 12 (3) Temporary Restraining Order; and
 13 (4) Order to Show Cause for a Preliminary Injunction.

14 It appears to the satisfaction of the Court that, unless the *ex parte* appointment of a
 15 receiver and a temporary restraining order are granted, MMLLC will suffer irreparable
 16 harm before the matter can be heard on notice.

17 **APPOINTMENT OF RECEIVER AND ORDER TO**
 18 **SHOW CAUSE RE CONFIRMATION OF RECEIVER**

19 IT IS HEREBY ORDERED that Defendant Conroy appear in Department 86 of this
 20 Court, located at 111 North Hill Street, Los Angeles, California 90012, at 9:30 a.m.,
 21 11-16-07, to show cause why a receiver should not be appointed to locate, secure, take
 22 possession of, inventory, catalog, photograph and preserve all documents, personal effects,
 23 clothing, jewelry, photographs and all other tangible things pertaining to Marilyn Monroe
 24 in the possession, custody or control of Conroy (the "Marilyn Monroe Properties")
 25 wherever located in order to preserve and maintain said Properties, in accordance with the
 26 terms of this Order and until further Order of this Court, *as follows*

27 ~~IT IS FURTHER HEREBY ORDERED that pending the hearing and determination~~
 28 ~~of the Order to Show Cause:~~

1 (1) Thomas A. Seaman ("Receiver") shall be appointed as Receiver with the duties
2 as specified below.

3 (2) Before performing his duties, the Receiver shall execute a Receiver's oath and
4 file a bond in Department __, with surety thereon, approved by this Court, in the sum of
5 \$_____, conditioned upon the faithful performance of the Receiver's duties,
6 subject to orders of this Court. The bond shall be filed by the Receiver no later than ____
7 p.m. on _____.

8 (3) MMLLC shall file a bond in Department __, with surety thereon, approved by
9 this Court, in the sum of \$_____. The bond shall be filed by MMLLC no later
10 than ____ p.m. on _____.

11 (4) The Receiver is required to disclose to all parties any financial relationship
12 between the Receiver and any individual, company or firm he hires to assist in the
13 management of the Marilyn Monroe Properties.

14 (5) The Receiver shall charge the amount of \$300 per hour for his services.

15 (6) On the filing of the executed oath and undertaking or bond, Thomas A. Seaman,
16 as Receiver, shall locate, secure, take possession of, inventory, catalog, photograph and
17 take all measures to preserve the Marilyn Monroe Properties wherever located in order to
18 preserve and maintain said Properties pending determination of the Order to Show Cause.

19 (7) Within thirty (30) days after qualification hereunder, the Receiver shall file with
20 the court and serve on all parties an inventory of all the Marilyn Monroe Properties.

21 (8) The Receiver shall have the authority to enter into contracts for services and to
22 engage attorneys, archivists, locksmiths, security personnel, employees, and other experts
23 necessary to locate, secure, take possession of, inventory, catalog, photograph and preserve
24 the Marilyn Monroe Properties pending determination of the Order to Show Cause.

25 (9) The Receiver shall prepare and serve monthly statements reflecting the
26 Receiver's fees and administrative expenses, including fees and costs of attorneys and
27 experts authorized by the Court, incurred for each monthly period. Notwithstanding
28 periodic payment, fees and expenses shall be submitted to the Court for its approval and

1 confirmation, in the form of a properly noticed interim request for fees stipulation of all
2 parties, or Receiver's Final Account and Report.

3 (10) The Receiver is authorized and empowered to execute and prepare all
4 documents and to perform and pay for all acts necessary to locate, secure, take possession
5 of, inventory, catalog, photograph and preserve the Marilyn Monroe Properties in order to
6 preserve and maintain said Properties.

7 (11) The Receiver is empowered and authorized to restrict Conroy's access to the
8 Marilyn Monroe Properties to limited, reasonable times for legitimate purposes under the
9 direct supervision of the Receiver.

10 (12) The Receiver is authorized to seek the assistance of law enforcement as
11 necessary to effectuate his powers and responsibilities under this Order.

12 (13) The Receiver and the parties to this case may at any time apply to this Court
13 for further or other instructions or orders and for further powers necessary to enable the
14 Receiver to properly perform the Receiver's duties.

15 **TEMPORARY RESTRAINING ORDER**

16 IT IS FURTHER ORDERED that, pending the hearing and determination of this
17 Order to Show Cause, Defendant Conroy, and his agents, servants, employees, attorneys
18 and representatives, and all persons acting in concert or participating with them, shall be
19 and hereby are enjoined and restrained during the pendency of this action from directly or
20 indirectly:

21 (1) selling, assigning, licensing, pledging, encumbering, impairing, destroying,
22 altering, disposing of, moving, transferring to a different location or in any way concealing
23 any of the Marilyn Monroe Properties;

24 (2) destroying, altering, disposing of, moving, transferring to a different location, or
25 in any way concealing any documents or records relating to any of the Marilyn Monroe
26 Properties;

27 (3) taking any action which will, or which will tend to, impair, diminish, or lessen
28 the value of any of the Marilyn Monroe Properties;

(4) interfering with the Receiver, directly or indirectly, in the Receiver's responsibilities under this Order;

(5) interfering with any local, county, state or federal law enforcement agents who cooperate in the enforcement of this Order.

ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION

IT IS FURTHER ORDERED that Defendant Millington Conroy appear in Department 86 of this Court, located at 111 North Hill Street, Los Angeles, California 90012, at 9:30 a.m. 11/16/07, to show cause why he and his agents, servants, employees, attorneys and representatives, and all persons acting in concert or participating with them, should not be enjoined and restrained during the pendency of this action from directly or indirectly:

(1) selling, assigning, licensing, pledging, encumbering, impairing, destroying, altering, disposing of, moving, transferring to a different location or in any way concealing any of the Marilyn Monroe Properties;

(2) destroying, altering, disposing of, moving, transferring to a different location, or in any way concealing any documents or records relating to the Marilyn Monroe Properties;

(3) taking any action which will, or which will tend to, impair, diminish, or lessen the value of the Marilyn Monroe Properties;

(4) interfering with the Receiver, directly or indirectly, in the Receiver's responsibilities under this Order; and

(5) interfering with any local, county, state or federal law enforcement agents who assist in the enforcement of this Order.

SERVICE AND BRIEFING SCHEDULE

This Order is to be personally served on Millington Conroy no later than October 26, 2007, at 4:30 p.m.; with proof of service to be filed in Department 86 no later than 4:00 p.m. on ~~October~~ ^{November} 5, 2007. Any opposition to the Order to Show Cause is to be personally served on Plaintiff's counsel and filed in Department 86 no later than 4:00 p.m.

1 on 11-8-07, 2007. Any reply is to be personally served on Defendant's counsel
2 and filed in Department __ no later than 4:00 p.m. on 11-13, 2007.

3 Defendant is hereby put on notice that failure to attend the show cause hearing
4 scheduled herein shall result in the immediate issuance of the preliminary injunction,
5 which shall be deemed to take effect immediately upon the expiration or dissolution of the
6 temporary restraining order herein and shall extend for the pendency of this suit the same
7 injunctive relief previously granted by the temporary restraining order. Defendant is
8 further notified that he shall be deemed to have actual notice of the issuance and terms of
9 such preliminary injunction and that any act by him in violation of any of its terms may be
10 considered and prosecuted as contempt of this Court.

11
12
13 Dated: October 25, 2007

14 DAVID P. YAFFE
15 Los Angeles Superior Court Judge
16
17
18
19
20
21
22
23
24
25
26
27
28